IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15712 of 2004

Between:

D.Srikanth, s/o Satyanarayana,
D.No.44-19-2, Anjaneyaswamy Temple Street, Annapurnampet, Rajahmundry, East Godavari District.

..... PETITIONER

AND

1. The Hon'ble Registrar General, Hon'ble High Court of Andhra Pradesh, Hyderabad.
2. The Hon'ble District Judge, Rajahmundry, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions, more particularly one in the nature of writ of mandamus to direct the respondents herein; a) To call for the records of the entire process of the recruitment to the posts of Attenders held in pursuance of the Notification dated 18-03-2004; b) To set aside the recruitment process of the posts of Attenders held in pursuance to the Notification dated 18-03-2004; c) To appoint the petitioner herein to the post of Attender in OC Category; d) To award the costs to the petitioner herein; by holding the action of the respondents herein for not considering his second application for OC category and interview call letter was not issued, even though he is eligible and entitled in OC category also for open competition, by considering others, is bad, illegal, irrational, illogical, arbitrary, discriminatory, void,

voidable, violative of Fundamental rights, Principles of Natural Justice and also violative of Article 14, 16 and 21 of the Constitution of India.

Counsel for the Petitioner:MR.A.NAGENDRA RAO

Counsel for the Respondent No.: MR.C.V.NAGARJUNA REDDY

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Grievance of the petitioner is that he had submitted two applications for the post of Attender both under O.C. category and B.C category notified on 18th March, 2004 by the second respondent but was called for interview only under one category of BC (D) but was not called for the category under OC. He could not be selected under BC (D) category and his grievance is that had he been called for interview under OC category also, he had better chances of being selected.

Detailed affidavit was filed by the respondent No.2 stating that as per note No.2 of the application form for the post of Attender, in case more than 20 applications are received per vacancy, the appointing authority had reserved its right to short list the candidates. The name of the petitioner came within the short-listed candidates under the category BC (D). He was interviewed under the said reserved category but secured only 10 marks in the technical skills and 0 marks in the general knowledge questions. Petitioner did not come within the short-listed applicants under OC category. Therefore, he was not called for interview in the OC category. It is also the case of the respondent No.2 that in case the petitioner got more marks than the OC category candidates even in the interview in which he appeared, his case would have been duly considered for appointment against OC category. But since he secured lesser mark than the OC category candidates, there is no question of the petitioner being considered against OC vacancy.

In view of the reply affidavit, we do not find any merit in the petition. It is accordingly dismissed.

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DEVINDER GUPTA, CJ

28-10-2004

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C.V.RAMULU, J

Tvr

To

1. The Registrar General, High Court of Andhra

Pradesh, Hyderabad.

2 The District Judge, Rajahmundry, East Godavari District.

3. 2 CCs to the Standing Counsel for High Court, High Court Buildings, Hyderabad.

4. 2 CD copies.